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COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JOHN F. SCHUNHOFF, Ph.D.
Chief Deputy

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February 5, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET**

On February 1, 2007, I sent you a memo describing an undercover report by Investigative reporter Joel Grover (KNBC Channel 4), focusing on the 7th Street Wholesale Produce Market. This is an update to let you know of actions taken since last Thursday.

Enforcement

On Friday, February 2, Terrance Powell, Acting Director of Environmental Health and I spent a number of hours in the early morning at the market, along with a group of six Environmental Health inspectors. The inspectors went back to the market Saturday morning and this morning for additional initial and follow-up inspections.

- Six vendors are still closed, three pending revocation hearing, one for rodents, one for no trash container, and one for no Public Health license.
- At the market on Friday, we began issuing Notices of Violation to customers, for violations of the County code concerning their practice of trimming, culling or repacking produce on the spot and throwing the remainder on the ground in the parking area. We will continue to cite customers until we see that this practice has ceased.
- We are trying to get all trash containers marked with the identity of the vendor, so we can follow up more easily with overflowing containers.

This brings the number of vendor closures to 63 and number of hearings to 40 since the beginning of December.

This afternoon, staff have submitted to the City Attorney the necessary information for twenty-five criminal complaints, one against the market management and the remaining against various vendors. Additional complaints against vendors will follow. I spoke with the Chief Deputy City Attorney on Friday, who committed to work with us.

On Friday, we spoke with Los Angeles City Building and Safety staff who pledged to work with us in enforcement.

We have requested another meeting that has been scheduled for Wednesday, February 7, 2007, with market management and the vendors as a group. Among the items we plan to discuss are the benefits to general sanitary conditions if the vendors and the market management all worked with one pest control company and with one trash company.

Staffing

As indicated, the inspector who was responsible for these markets for many years was transferred to another assignment. To provide better oversight, we are moving the oversight of the downtown wholesale markets from the District Retail Food unit which handled it previously to the Food and Milk section, which is responsible for inspection of other wholesale licensees, such as wholesale food processors.

We will add a second inspector to inspect these markets more frequently. Initially, we will be in the market daily. Once the market operation has improved sufficiently, we expect to be in the market several times a week. We will explore the option of recommending a fee increase for the wholesale vendors to fund this activity. We currently have 106 vacancies among the 491 Environmental Health Specialist II and III positions we have (the positions which do most of the inspection work), so it will be difficult to move additional resources to the wholesale food program at this time without reducing our capacity for other necessary inspections.

We are ready to implement the Board motions on the agenda for February 6, 2007. In the meantime, if you have any questions, please let me know.

JEF:dc

C: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors



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April 27, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *JE Fielding MD*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Produce Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revised inspection criteria, and increased sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

A motion by Supervisors Antonovich and Yaroslavsky, instructed me to report back within 15 days on 1) recommendations for increasing the number of produce vendor inspections to be required on an annual basis, 2) any appropriate changes in either State or County regulations and/or codes related to licensing, inspection and enforcement of wholesale produce facilities, 3) improving coordination between cities and the County in permitting and inspecting the condition and operation of wholesale produce facilities, 4) a review of the violations that have been rendered or given to other distribution centers within Los Angeles County to see if there is a pattern across markets or if the 7th Street Market is an exception, 5) a timeline of actions taken by the on-site inspectors responsible for carrying out the health rules and regulations and 6) whether County Counsel can assist in determining, in coordination with the City of Los Angeles, any legal actions that may need to be taken in relation to the 7th Street Market violations.

On February 21 and March 23, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

ADDITIONAL ACTIONS IMPLEMENTED

On April 3, 2007, Environmental Health staff held a follow-up meeting with the owners and managers of the 7th Street Market complex. The status of action items discussed at these meetings is:

1. The complex management submitted plans to install two additional restroom and janitorial facilities on 3/9/07. The plans were returned for correction on 4/2/07 and are pending resubmission.
2. The complex management is transitioning to amended leases for all tenants. Tenants will be required to participate in centralized onsite refuse collection program that includes provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. Tenants will also be required to participate in centralized pest control efforts that include right-of-entry for complex pest control contractor to inspect and treat individual spaces as well as integrate control measures for the common spaces and activities of the complex as a whole. Progress in this area has been relatively slow, because individual tenant contracts for these services must be closed or transferred to another site.
3. A proposal to install additional exterior lighting is pending submission to the City Building and Safety and repair of existing fixtures at the carport canopy is underway.
4. The complex owners are in discussions with the City of Los Angeles regarding a proposal to install a canopy at the loading/staging area of the east building within the complex.
5. Complex management is implementing recommendations regarding the elimination of several rodent harborage and repair of damaged exterior building complex walls,
6. The cleaning of the entire second floor of all buildings in the complex, including the removal of accumulated debris, rodent and bird droppings, and bird and rodent carcasses, has been completed.

Inspectors continue to visit the 7th Street Market complex no less than weekly. The condition of the market has remained stable in that: 1) no produce is dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service. However, the following violations remain: improper food storage, the lack of rodent proofing in vacant interior spaces/exterior premises. We are continuing to follow up on these findings until they are resolved.

In order to determine if similar conditions to those which we found at the 7th St. Produce Market Complex exist at the other facilities, we have inspected the nine (9) other wholesale produce complexes within the County and 12 of 62 stand-alone wholesale markets. Since the last report, staff completed another 353 inspections. Since we began this effort at the other markets, we have conducted 455 inspections including 154 routine inspections resulted in 48 closures and 81 hearings. A total of 238 out of 282 active wholesale food market licensees have been inspected to date.

The conditions at these markets were consistent with, but not as severe as, those violations found at the 7th Street Market. We found the following violations: 1) rodent infestation, 2) floor, walls and/or ceilings in disrepair/unclean, 3) inadequate rodent proofing, and 4) the lack of a public health license to operate. In at least two complexes, significant renovation/remodeling will be required due to unapproved or dilapidated structures. Several of the complexes have been directed to install exterior canopies to protect food products during the staging process.

Environmental Health staff is completing evaluation reports concerning each complex and scheduling meetings to discuss long-term compliance plans with the complex management and tenants in each of the affected sites.

LEGAL ACTIONS

We filed 32 Reports of Investigation in support of criminal complaints, including one against the owner/operator of the 7th Street Wholesale Market Complex, with the Los Angeles City Attorney's office. On March 12, 2007 the City Attorney filed criminal complaints from the Department of Public Health and Los Angeles City Department of Building and Safety. The first of these cases, against the owner/operator of the 7th Street Wholesale Market Complex, is scheduled for arraignment May 3, 2007. Eight more cases against individual wholesale market operators involving rodent infestations will be arraigned subsequently. The remaining 23 cases also against individual wholesale market operators will be scheduled for city attorney hearings.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

Public Health staff and County Counsel are still fine-tuning a proposed ordinance which will require that the owners of any wholesale produce facility obtain a public health license (in addition to the licenses issued to each individual vendor). We expect to file it for the Board's consideration in May.

I will provide a further update on our progress by May 30, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002(3)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

Bc: Sharon Ryzak
Christina Salseda

ADDITIONAL ACTIONS IMPLEMENTED

On April 3, 2007, Environmental Health staff held a follow-up meeting with the owner and managers of the 7th Street Market complex. The status of action items discussed at this meeting is:

1. The complex management submitted plans to install two additional restroom and janitorial facilities on 3/9/07. The plans were returned for correction on 4/2/07, resubmitted and approved on 5/3/07. Construction began on Tuesday 5/29/07.
2. The complex management is transitioning to amended leases for all tenants. Tenants will be required to participate in a centralized onsite refuse collection program that includes provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex management submitted plans to remodel the refuse disposal area and implement a recycling program on May 30, 2007. However, the plans could not be reviewed until payment of the plan check fee was received, which occurred on 6-4-07.

Tenants will also be required to participate in centralized pest control efforts that include right-of-entry for complex pest control contractor to inspect and treat individual spaces as well as integrate control measures for the common spaces and activities of the complex as a whole. According to the complex management, all of the tenants have signed this new pest service agreement.

3. The proposal to install additional exterior lighting has been submitted and approved by Los Angeles City Building and Safety Department. The repair of the existing lighting fixtures at the carport is still underway.
4. The complex owners are in discussions with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the east building within the complex. Construction plans to install a 18,000 sq. ft. awning/canopy were submitted to Environmental Health on 5/30/07.
5. Complex management is implementing recommendations regarding the elimination of several rodent harborages and repair of damaged exterior building complex walls, however they have not met acceptable compliance standards. This issue remains part of the criminal complaint against the market complex and will be further addressed through the legal process.
6. The cleaning of the entire second floor of all buildings in the complex, including the removal of accumulated debris, rodent and bird droppings, and bird and rodent carcasses, has been completed and remains in compliance.
7. The complex management is in the process of developing a plan to resurface the grounds which will eliminate the pot holes and the potential for waste water accumulation.

Inspectors continue to inspect and monitor the 7th Street Market complex. The condition of the market has remained stable in that: 1) no produce is dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

However, the following violations remain, the lack of rodent proofing in vacant and occupied interior spaces/exterior premises and illegal drainage of waste water into the basement from sub-standard flooring conditions. We are continuing to follow up on these findings until they are resolved.

In order to determine if similar conditions to those which we found at the 7th St. Produce Market Complex exist at the other facilities, we have inspected the nine (9) other wholesale produce complexes within the County, two newly permitted complexes, and all 62 stand-alone wholesale markets. Since the last status update, staff has completed 115 inspections, including 54 routine inspections resulting in 6 closures and 7 hearings. All (282) active wholesale food market licensees have been inspected to date. The statistical count for the wholesale produce market inventory is as follows: a total of 303 inspections, 490 follow-up compliance inspections, 83 complaint inspections, 118 closures, 147 office hearings and 4 permit revocations.

The conditions at these markets were consistent with, but not as severe as, those violations found at the 7th Street Market. We found the following violations: 1) rodent infestation, 2) floor, walls and/or ceilings in disrepair/unclean, 3) inadequate rodent proofing, and 4) the lack of a public health license to operate. In at least two complexes, significant renovation/remodeling will be required due to unapproved or dilapidated structures. Three of the complexes were directed to install exterior canopies to protect food products during the staging operations. Two of these complexes have submitted plans for the installation of the canopies and both of the plans have been approved.

Environmental Health staff has completed an evaluation of each complex. Three of the complexes require long term compliance plans. Meetings are being scheduled to discuss proposed 90-day improvement plans with the complex management and tenants in each of the affected sites.

LEGAL ACTIONS

Environmental Health filed 32 Reports of Investigation in support of criminal complaints, including one against the owner/operator of the 7th Street Wholesale Market Complex, with the Los Angeles City Attorney's office. On March 12, 2007 the City Attorney filed criminal complaints from the Department of Public Health and Los Angeles City Department of Building and Safety. The first of these cases, against the owner/operator of the 7th Street Wholesale Market Complex, was scheduled for arraignment on May 3, 2007 however it was rescheduled to June 6, 2007. Eight more cases against individual wholesale market operators involving rodent infestations will be arraigned individually from June 7 – July 18, 2007. The remaining 23 cases also against individual wholesale market operators will be scheduled for city attorney hearings.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

Public Health staff and County Counsel have completed a proposed ordinance which will require that the owners of any wholesale produce facility obtain a public health license (in addition to the licenses issued to each individual vendor). We expect to file the ordinance for the Board's consideration on July 24, 2007.

Each Supervisor
June 5, 2007
Page 4

INVESTIGATION OF STAFF FAILURES

The Inspection and Audit Division of Public Health has completed their investigation and disciplinary actions are being implemented.

I will provide a further update on our progress by July 6, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002(5)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES

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June 5, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding*
Director and Health Officer

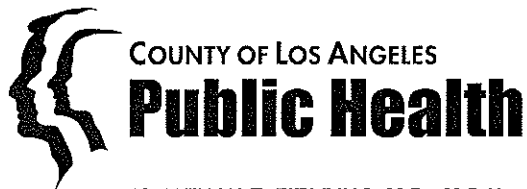
SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Produce Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revised inspection criteria, and increased sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

A motion by Supervisors Antonovich and Yaroslavsky, instructed me to report back within 15 days on 1) recommendations for increasing the number of produce vendor inspections to be required on an annual basis, 2) any appropriate changes in either State or County regulations and/or codes related to licensing, inspection and enforcement of wholesale produce facilities, 3) improving coordination between cities and the County in permitting and inspecting the condition and operation of wholesale produce facilities, 4) a review of the violations that have been rendered or given to other distribution centers within Los Angeles County to see if there is a pattern across markets or if the 7th Street Market is an exception, 5) a timeline of actions taken by the on-site inspectors responsible for carrying out the health rules and regulations and 6) whether County Counsel can assist in determining, in coordination with the City of Los Angeles, any legal actions that may need to be taken in relation to the 7th Street Market violations.

On February 21, March 23, and April 27, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.



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July 19, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, and June 5, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. Two additional restrooms and janitorial facilities are still under construction. The anticipated date for final site evaluation and approval of these facilities is July 31, 2007. This will result in a total of three restroom and janitorial facilities provided at the complex.
2. The complex management submitted plans to install a central refuse disposal area and program on May 31, 2007. The plans were reviewed and returned to the complex management for correction. Corrected plans were returned to Plan Check on June 20, 2007 and approved on June 28, 2007. Construction is to begin upon approval from the Los Angeles City Building and Safety Department and the Los Angeles City Fire Department.

The complex management is still in the process of amending leases for all tenants. Tenants will be required to participate in a centralized onsite refuse collection program that includes a provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. According to the complex management, half of the tenants have given written approval to participate in the new refuse collection system.

3. The proposal to install additional exterior lighting has been submitted and approved by Los Angeles City Building and Safety Department. The repair of existing light fixtures and installation of new lighting fixtures at the complex has been completed.
4. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. As of June 28, 2007 Plan Check staff has received no update information regarding this proposal.
5. The complex management has eliminated all rodent harborages of damaged exterior building complex walls and screening of exposed drainage pipes and trenches. The rodent proofing of the individual tenant's roll-up doors is still ongoing. This issue remains part of the criminal complaint(s) against the complex and the various individual tenants.

Field observation have confirmed full participation by most tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.

6. The complex management has begun to resurface the grounds. Inspection staff are in the process of identifying areas that have pot holes, lack of appropriate grading or uneven surfaces that allow waste water accumulation or impedes the effective cleaning and maintenance of the grounds.
7. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex including a proposed plumbing schematic model for current and future vacant stalls. Plan Check Program reviewed and approved those plans on June 28, 2007.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (i.e.City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Tentative 90 day improvement plans have been developed. Meetings are being scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

During the month of June, 2007, staff of the Food and Milk Program have completed a total of 51 routine inspections, 64 re-inspections, and 15 complaint inspections at the twelve (12) market complexes within the County. These actions resulted in 6 office hearings and 1 closure. Of those inspections, 38 inspections were conducted at the 7th Street Market.

Additionally, the wholesale produce market inventory has been revised to reflect the licensing of new businesses. 321 active sites are currently in the inventory.

Since February, 2007, all 321 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce market inventory is as follows: 354 routine inspections; 554 follow-up compliance inspections; 98 complaint inspections; 119 closures; 153 office hearings; and 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program conducted field audits of staff at 4 of the complexes, including the 7th Street Market Complex on June 14, 2007. The audit findings confirmed that Food & Milk staff conducted inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation, the inspections were found to be consistent with departmental procedures and policy and that operators are aware of the new inspection program and are complying with it.

LEGAL ACTIONS

Environmental Health attended fifteen Los Angeles City Attorney (CA) hearings for individual wholesale markets operating in the absence of hot water. Eight additional CA hearings are still pending. Eight court case arraignments are scheduled in the month of July, 2007. The court case against the owner/operator of the 7th Street Wholesale Market Complex was scheduled for July 9, 2007. The defendants appeared and the case was continued to August 29, 2007. Three of the wholesale food market defendants entered a plea of no contest resulting in their placement on 24 month summary probation and assessment of fines. Three other defendants appeared for their court arraignments and the cases were continued to August 1 and 22, 2007 respectively. Other cases are scheduled for July 25, 2007 and September 20, 2007.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

Public Health staff and County Counsel have completed a proposed ordinance which will require that the owners of any wholesale produce facility obtain a public health license (in addition to the licenses issued to each individual vendor). The ordinance was filed for the Board's meeting of July 24, 2007.

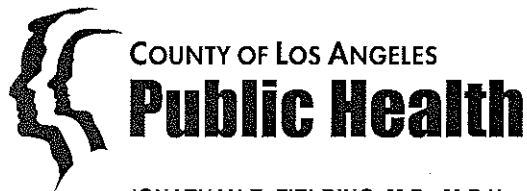
INVESTIGATION OF STAFF FAILURES

The Inspection and Audit Division of Public Health has completed their investigation and disciplinary actions were implemented.

I will provide a further update on our progress by August 17, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF: tp
PH:702:002 (6)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



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August 21, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, 2007 and July 16, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. Two additional restrooms and janitorial facilities are still under construction. The complex management has indicated that one of the restroom facilities should be completed in August and the second one is to be completed in early September 2007. At the time of completion they will contact Environmental Health for final approval. This construction will result in a total of three restroom and janitorial facilities provided at the complex.

2. The complex management submitted plans to install a central refuse disposal area and program on May 31, 2007. The plans were reviewed and returned to the complex management for correction. Corrected plans were returned to Plan Check on June 20, 2007 and approved on June 28, 2007. Construction will begin upon approval from Los Angeles City Building and Safety Department and Los Angeles City Fire Department. If the agencies require further plan correction, the owner will resubmit the revised plans to Environmental Health by September 1, 2007.
3. The complex owners continue the process of amending leases for all tenants. Tenants will be required to participate in a centralized onsite refuse collection program that includes a provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. According to the complex owners, 90 percent of the tenants have given written approval to participate in the new refuse collection system and they anticipate the remaining tenants will consent by September 1, 2007.
4. The complex owners continue discussions with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. As of August 10, 2007, Plan Check Program staff has not received any updated information regarding this proposal. If approved, the awnings would provide environmental protection for food temporarily placed outside during receiving and customer loading operations.
5. The complex management has eliminated all rodent harborages of damaged exterior building complex walls and screening of exposed drainage pipes and trenches. The rodent proofing of the individual tenant's roll-up doors is still ongoing. Approximately 80 percent of the work has been completed. A contractor will facilitate consistent adherence to compliance specifications and completion of this project.
6. Field observations have confirmed full participation by most tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.
7. The complex management has completed the resurfacing of the common parking/loading areas. A contract for the renovation of the trench drain system, which has surfaces that are uneven and pitted, precluding effective drainage of liquid waste/runoff, is currently being negotiated.
8. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex including a proposed plumbing schematic model for current and future vacant stalls. Environmental Health's Plan Check Program reviewed and approved those plans on June 28, 2007. The complex management is now waiting for approval of the plans from Los Angeles Building and Safety.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Tentative 90 day improvement plans have been developed. Meetings are being scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

During the month of July, 2007, staff of the Food and Milk Program have completed a total of 34 routine inspections, 99 re-inspections, and 5 complaint inspections at the twelve (12) market complexes within the County. These actions resulted in 3 office hearings and 5 closures (for operating without a Public Health License). Of those inspections, 56 inspections were conducted at the 7th Street Market.

Additionally, the wholesale produce market inventory has been revised to reflect the licensing of new businesses. Our Environmental Health Data system along with hand tabulation confirmed 329 active sites currently in the inventory. This reflects an increase of 8 sites that were licensed during July, 2007.

Since February, 2007, all 329 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce market inventory is as follows: 388 routine inspections; 653 follow-up compliance inspections; 103 complaint inspections; 124 closures; 156 office hearings and; 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program along with the lead staff member continue to monitor the inspection of staff paperwork for accuracy and frequencies. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation. Additionally, 2 new staff members have been field trained and are assigned to the produce market inspection team.

LEGAL ACTIONS

Environmental Health attended eight additional City Attorney (CA) hearings for individual wholesale markets operating without hot water. Presently, a total of twenty-three (CA) hearings have now been held. Eight court case arraignments were scheduled in the month of July, 2007. The court case against the owner/operator of the 7th Street Wholesale Market Complex was scheduled for July 9, 2007. The defendants appeared and the case was continued to August 29, 2007. Three of the wholesale food market defendants entered a plea of no contest resulting in their placement on 24 month summary probation and assessment of fines. Four other defendants appeared for their court arraignments and the cases were continued to August 22 and 29, 2007 respectively.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

On July 24, 2007, the Board approved an ordinance which will require the owners of any wholesale produce facility complex to obtain a public health license (in addition to the licenses issued to each individual vendor). It will become effective on August 24, 2007 and the department will commence enforcement of the new regulations.

Each Supervisor
August 21, 2007
Page 4

I will provide a further update on our progress by September 15, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF: tp
PH:702:002(7)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
Public Health

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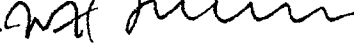
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September 21, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. 
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspector criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, 2007, July 16, 2007 and August 10, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities has been halted due to Los Angeles City Building & Safety failure to receive construction plans. When Building & Safety approves the plans, construction will resume. This construction will result in a total of three restroom and janitorial facilities provided at the complex.

2. The central refuse disposal area was completed in late August, and is operational. Tenants will be required to participate in a centralized onsite refuse collection program that includes the provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are still in the process of amending leases for all tenants. According to the complex owners, 95 percent of the tenants have given written approval to participate in the new refuse collection system and they anticipate the remaining tenants will consent by October 1, 2007.
3. The complex owners remain in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. As of September 20, 2007, Plan Check Program staff has not received any updated information regarding this proposal. If approved, the awnings would provide protection of food outside.
4. The complex management has eliminated all rodent harborages of damaged exterior building complex walls and screening of exposed drainage pipes and trenches. The rodent proofing of the individual tenant's roll-up doors is nearly complete. Approximately 95 percent of the work has been completed. Walker Door Services is contracted for completion of this project. This issue remains part of the criminal complaint(s) against the complex and the various individual tenants.

Field observations have confirmed full participation by most tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.

5. The complex management has completed the resurfacing of the common areas. Also, the resurfacing of the center drain areas that were uneven and pitted has been completed.
6. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex including a proposed plumbing schematic model for current and future vacant stalls. Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for approval of the plans from Los Angeles Building and Safety.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Tentative 90 day improvement plans have been developed. Meetings are being scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Supervision and staff spent two days at the 9th Street Market to survey the entire complex in order to provide a specific plan for improvement to be presented to the complex owner. The Bureau Director has made contact with the complex owner and advised him that the plan would be forthcoming. A joint meeting will be held with the complex owner and operators.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

During the month of August 2007, staff of the Food and Milk Program have completed a total of 24 routine inspections, 7 re-inspections, and 4 complaint inspections at the twelve (12) market complexes within the County. These actions resulted in 2 office hearings and 1 closure. Of those inspections, 10 inspections were conducted at the 7th Street Market.

The wholesale produce market inventory remains at 329 active sites.

Since February 2007, all 329 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce market inventory is as follows: 412 routine inspections; 660 follow-up compliance inspections; 107 complaint inspections; 125 closures; 156 office hearings and; 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy and frequencies. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation.

LEGAL ACTIONS

Environmental Health has attended a total of 23 City Attorney (CA) hearings for individual wholesale markets operating without hot water. The scheduled City Attorney (CA) hearings have been completed. Four court case arraignments were scheduled in the month of August 2007. The court case against the owner/operator of the 7th Street Wholesale Market Complex was continued to September 27, 2007. Three of the wholesale food market defendants entered a plea of no contest resulting in their placement on 36-month summary probation and assessment of fines. One other defendant appeared for his court arraignment and the case was continued to September 27, 2007.

Each Supervisor
September 21, 2007
Page 4

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

On July 24, 2007, the Board approved an ordinance which will require the owners of any wholesale produce facility to obtain a public health license (in addition to the licenses issued to each individual vendor). The ordinance became effective on August 24, 2007 and the department is beginning enforcement of the new regulations.

I will provide a further update on our progress by November 1, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002(8)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
Public Health

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November 13, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. 
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, July 16, August 10, and September 21, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities is nearly complete. One restroom/ janitorial facility is finished and operational; the other is still in the process of construction. As soon as the construction is complete it will result in a total of three restroom and janitorial facilities.
2. Tenants are participating in a centralized onsite refuse collection program that includes a provision of marked garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are continuing the process of amending and issuing new leases for all tenants to require participation in this program.

3. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. The City of Los Angeles Building and Safety Department (LABSD) has approved the plans. The City's Office of Historical Preservation is now evaluating whether the market should be considered a historical site and how this would affect alterations such as the awning.
4. The complex management has eliminated all rodent harborages at damaged exterior building complex walls and exposed drainage pipes and trenches. Installation of rodent proofing at the individual tenants' roll-up doors is complete.

Field observations have confirmed full participation by all tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.

5. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex, including a proposed plumbing schematic model for current and future vacant stalls. LABSD's Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for approval of the plans from LABSD. The approval process is delayed until the historical significance of the Market is addressed.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Ninety-day improvement plans have been developed and are now being revised to be consistent with updated wholesale produce market policies. After the revisions are complete, meetings will be scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Supervision and staff spent two days in August 2007 at the 9th Street Market to survey the entire complex in order to provide a specific plan for improvement to be presented to the complex owner. The Director of the Food Inspection Bureau has made contact with the complex owner and advised him that the plan would be forthcoming. A joint meeting with the complex owner and operators is tentatively scheduled for late November 2007.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground; 2) no food products are stored near garbage or trash.

The wholesale produce market inventory has increased to 330 active sites. Since February 2007, all 330 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce markets is as follows: 462 routine inspections; 698 follow-up compliance inspections; 112 complaint inspections; 129 closures; 161 office hearings and; 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy, completeness and frequencies. Food and Milk supervision conducted an early morning field visit at the 7th Street Market on October 3, 2007 to verify completion of the trash compactor facility and the resurfacing of the central parking area. The work had been completed as reported. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation.

LEGAL ACTIONS

The court case against the owner/operator of the 7th Street Wholesale Market Complex is now continued to November 28, 2007. Another defendant, Victor Mendoza of V&L Produce, appeared for his court arraignment on September 27, 2007, and the case was continued to November 11, 2007.

A walk-through inspection of the 7th Street Produce Market by City Attorney David Shepherd, Food and Milk Program Supervision and staff was conducted on October 24, 2007. The purpose of this visit was to evaluate the level of compliance, progress and improvements prior to the next court date. It was determined that the overall operation and conditions at the market have improved considerably.

I will provide a further update on our progress by December 10, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002 (9)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
Public Health

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December 20, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *Jonathan E. Fielding*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, July 16, August 10, September 21, 2007 and November 13, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities is complete. All restrooms and janitorial facilities are operational, resulting in a total of three restrooms and three janitorial facilities.
2. Tenants are participating in a centralized onsite refuse collection program that includes the provision of marked garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are continuing the process of amending and issuing new leases for all tenants to require participation in this program.

3. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. The City of Los Angeles Building and Safety Department (LABSD) have approved the plans. The City's Office of Historical Preservation is now evaluating whether the market should be considered a historical site and how this would affect alternatives such as the awning. The complex owners have hired a private consultant that is on the City's Official Historical Preservation approved list. The consultant wrote a proposal that will be submitted to the Historical Committee by the end of December 2007. Until this issue is resolved, tenants will be required to store, display and stage product inside the tenants' individual stalls. The Department has begun to issue notices to that effect.
4. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex, including a proposed plumbing schematic model for current and future vacant stalls. LABSD's Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for final approval of the plans from LABSD. The approval process is delayed until the historical significance of the Market is addressed.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, the City/9th Street Market required a long-term compliance plan. A 90-day improvement plan has been developed for the City/9th Street Market. A meeting was held on November 28, 2007 with the owner of the market, Peter Fleming, to discuss the overall conditions of the market and the need to correct long-standing structural and equipment deficiencies. A follow-up meeting was held with Mr. Fleming on Wednesday, December 5, 2007 at which time he was given a draft 90-day Produce Market Complex Improvement Plan letter. The detail of the plan was also discussed with Mr. Fleming. The final letter will be presented to him by the end of December 2007.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground; 2) no food products are stored near garbage or trash.

The wholesale produce market inventory has increased to 336 active sites. Since February 2007, all 336 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce markets is as follows: 577 routine inspections; 756 follow-up compliance inspections; 128 complaint inspections; 131 closures; 170 office hearings; and 4 permit revocations.

FIELD MONITORING:

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy, completeness and frequencies. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation. During the month of November, early morning inspections were conducted on six occasions. On Wednesday, December 5, 2007, the Director of the Food Inspection Bureau visited the market complex and confirmed that conditions observed were consistent with those described in this report.

LEGAL ACTIONS:

Nine court cases were filed and as of December 6, 2007, six of the cases were adjudicated resulting in fines and penalty assessments, one case was dismissed, and two cases are still pending, including the litigation against the wholesale complex owners. The case against the complex owners was continued until January 10, 2008 and the case against Jalisco Fresh Produce, Inc. was continued to December 29, 2007.

As stated in the previous update, a walk-through inspection of the 7th Street Produce Market by City Attorney David Shepherd, Food and Milk Program Supervision and staff was conducted on October 24, 2007. The purpose of this visit was to evaluate the level of compliance, progress and improvements prior to the next court date. It was determined that the overall operation and conditions at the market have improved considerably.

If you have any questions or need additional information, please let me know.

JEF:tp
PH: 702:002(10)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors